

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

US DISTRICT COURT  
WESTERN DIST ARKANSAS  
FILED

JAN 21 2016

DOUGLAS F. YOUNG, Clerk  
By Deputy Clerk

ADAM DAVIS, JR.,

Plaintiff,

v.

WEST FRASER, INC.,

Defendant.

Case No. 16-1005

Original State Case Docketed as  
70CV-2016-15-6, Union County,  
AR, Circuit Court.

NOTICE OF REMOVAL

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN  
DISTRICT OF ARKANSAS:

Relying on 28 U.S.C. §§ 1441 and 1446, Defendant West Fraser, Inc. now removes the civil action styled *Adam Davis vs. West Fraser, Inc.*, in the Circuit Court of Union County, Arkansas, bearing No. 70CV-2016-15-6 (State Action), to this Honorable Court. Removal is proper under § 1441(b) because this Court has original jurisdiction over this action under 28 U.S.C. § 1332(a).

As provided by § 1446(a), West Fraser states the following grounds for removal:

**I. REMOVAL IS PROCEDURALLY PROPER.**

1. Removal of the State Action to this Court is procedurally proper.
2. Plaintiff originally filed the State Action in the Circuit Court of Union County, Arkansas, on January 8, 2016.
3. The Circuit Court of Union County, Arkansas, is located within the Western District of Arkansas, El Dorado Division. *See* 28 U.S.C. § 1441(a).

4. West Fraser was served with the Summons and Complaint in the State Action on January 11, 2015. Accordingly, this Notice of Removal, filed within thirty (30) days of that date, is timely. *See* 28 U.S.C. § 1446(b).

5. Copies of all documents and exhibits filed with respect to the State Action, which include Plaintiff's Complaint, are attached collectively hereto as **Exhibit 1**.

6. A copy of this Notice of Removal is being filed contemporaneously with the clerk of the Circuit Court of Union County, Arkansas, and served upon counsel for Plaintiff as provided in the Certificate of Service included below.

**II. THIS COURT'S EXERCISE OF SUBJECT-MATTER JURISDICTION IS PROPER.**

7. This Court's exercise of subject-matter jurisdiction over the State Action is proper under 28 U.S.C. §§ 1332(a) and 1441(b) because it is a civil action where the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interests and costs, and is between citizens of different states.

**A. Complete Diversity Exists Between the Parties.**

8. Plaintiff and West Fraser, the only named Defendant in this action, are citizens of different states. *See* 28 U.S.C. § 1332(a)(1).

9. West Fraser is a Delaware corporation with its principal place of business at 1900 Exeter Road, Suite 105, Germantown, TN 38138. West Fraser is therefore a citizen of Delaware and Tennessee for purposes of §§ 1332 and 1441.

10. Plaintiff resides and is domiciled at 308 Caswell Ave., Bogalusa, Washington Parish, Louisiana. (Compl. ¶ 1.) Davis is therefore a citizen of Louisiana for purposes of §§ 1332 and 1441.

**B. The Amount In Controversy Expressly Exceeds \$75,000.**

11. The amount in controversy in this action, exclusive of interests and costs, exceeds the sum or value of \$75,000.00. *See* 28 U.S.C. § 1332(a).

12. Plaintiff expressly prays for judgment against West Fraser “in an amount in excess of that required for federal jurisdiction in diversity of citizenship cases, court costs, and all other proper relief that he is otherwise entitled to as a matter of law.” (Compl. at 4, unnumbered paragraph following ¶ 11.)

13. Plaintiff’s claims against West Fraser thus expressly exceed the sum or value of \$75,000.00, exclusive of interests and costs.

**WHEREFORE**, West Fraser now removes this action, bearing No. 70CV-2016-15-6, from the Circuit Court of Union County, Arkansas, to this Honorable Court.

**RESPECTFULLY SUBMITTED**, this the 21st day of January 2016,

**BUTLER SNOW LLP**

By: 

Daniel W. Van Horn (AR Bar No. 2007024)

Gadson W. Perry (TN Bar No. 030539)

The Crescent Center

6075 Poplar Ave., Ste. 500

Memphis, TN 38119

(901) 680-7200

(901) 680-7201 (fax)

[danny.vanhorn@butlersnow.com](mailto:danny.vanhorn@butlersnow.com)

[will.perry@butlersnow.com](mailto:will.perry@butlersnow.com)

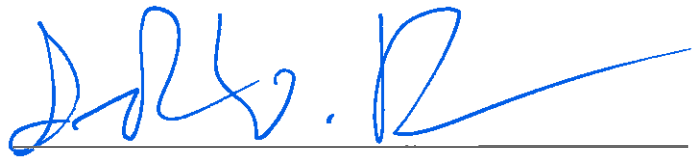
*Attorneys for Defendant West Fraser, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a true and correct copy of the foregoing document has been served upon the following counsel of record via U.S. Mail, postage prepaid, this 21st day of January 2016.

**David P. Price, Esq.**  
P.O. Box 765  
Magnolia, AR 71754  
(870) 234-4781

*Attorney for Plaintiff*



29355602v1